

MARYLAND DEPARTMENT OF NATURAL RESOURCES

MEETING OF THE
TIDAL FISHERIES ADVISORY COMMISSION

HELD AT
TAWES STATE OFFICE BUILDING

C-1 CONFERENCE ROOM

ANNAPOLIS, MARYLAND

ON

MONDAY, APRIL 16, 2012

FROM

2:17 P.M. to 3:37 P.M.

COMMISSION MEMBERS PRESENT:

William Rice, Chairman
Bill Goldsborough, SFAC Commissioner
Bill Sieling
Danny Webster
Stephen Gordon
Dale Dawson
Gail Sindorf
Larry Simms
Robert "Moochie" Gilmer
Gibby Dean
Robert Brown
Richard Young
Tom Ireland (proxy for Brian Keehn)
Robert T. Brown

DNR STAFF PRESENT:

Tom O'Connell, Director
Marty Gary
Gina Hunt
Sarah Widman
Mike Luisi
Kate Culzoni
Erik Zlovovitz
Steve Vilnit

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P R O C E E D I N G S

CHAIRMAN RICE: If we could get started and come to order please. I'd like to welcome everybody here and the first thing on our agenda, Marty, could you bring us up-to-date on the announcements.

MR. GARY: Sure. Thank you, Chairman Rice. Members of the Commission, Members of the Public, welcome to the Spring meeting of the Tidal Fisheries Advisory Commission. Please at this time silence your cell phones. You don't have to turn them off, but silence them.

The Hunt Reporting Company will be recording this meeting; it will be posted later on our website. David Ritchie is our court reporter, and in order to help Mr. Ritchie with his job in making sure that this meeting is properly recorded, during the time we're here in the meeting, please before you speak be acknowledged by the Chairman to my right. And also, if there's some back and forth, before you cut somebody off, please raise your hand and let Chairman Rice acknowledge you.

There are opportunities for the public to

provide comment before a vote is taken by the Commission at the end of the meeting, during the designated public comment period. And we do have one agenda item which has been removed from the agenda, it's the 4:00 item provided to us by Commissioner Dean and that has been removed. And so with that, those are all the announcements. Chairman Rice, back to you.

CHAIRMAN RICE: Thank you very much. The first thing we have as usual, Lieutenant Nick Powell, could you give us an update on the progress, as usual.

MR. POWELL: All right. Everybody should have a copy of the report on this. I'll give you some highlights of it. Under striped bass fishing recreational, there were three subjects charged with possession of striped bass in the (indiscernible) area, by citations that were issued (indiscernible). We had seven citations this week for possession of striped bass in (indiscernible) Bridge, and four citations issued in Wicomico County.

Commercial; they had two citations issued for anchored gill net and undersized striped bass in the Patapsco River. The waterman was with his net, he

just had cinder blocks totaling almost 40 pounds on each end.

Oysters and clams; four citations issued to two vessels diving in the (indiscernible) area of the Lower Choptank. In Talbot County, six-and-a-half bushels were seeds returned where the person was dredging at the mouth of the Tred Avon River, and they had one citation for 25 percent undersized oysters. And in Somerset County, which is on your paper it says Wicomico, Commissioner Webster corrected me, five commercial fisherman (indiscernible) sanctuary (indiscernible). That's pretty much the highlights there. Any questions?

CHAIRMAN RICE: Seeing none, we thank you for your report.

MALE VOICE: Mr. Chairman? May I just say something?

CHAIRMAN RICE: Yes.

MALE VOICE: Thank you very much for this nice reg (indiscernible) and I think it's a lot better than (indiscernible).

CHAIRMAN RICE: Okay. Next up, Gina. Can you bring us up-to-date on the legislative issues?

MS. HUNT: I can, but Sarah's up there.

CHAIRMAN RICE: Okay. Well, Sarah, let's have it.

MS. WIDMAN: You guys should have gotten a bunch of the handouts. So we had our normal regular handout where everything is (indiscernible) because we can't submit regs during the winter. But we did just submit a reg about the True Blue Program on Friday. This is the program that will be a marketing program for blue crabs caught in Maryland's part of that industry. And then we also had a reg from the striped bass industry work group that would freeze pound net and Atlantic fishery permits until the 2014 Fishery, while they work on some fishery changes. So those two went in on Friday. A comment period will start on May 18th. Are there any questions on the regs? Okay.

And then two other things. Legislation. The session ended on the 10th and the big bills that passed for the Fisheries are House Bill 1305. So this is the three fishing areas that we already have in tidal waters. This will let us put some in nontidal waters as well, so we'll be working in the future on some regs for that.

We also have 1305, which had to do with the aquaculture, and making sure that we have full authority to do application and rental fees for water (indiscernible), which we had just gotten moved over to us last year. And some other stuff to do with advertising, potentially working on size limits from aquaculture leases in the future. So that will be future regs down the road as well.

HB 1325 is related to catch times for trot line gear, and this one unfortunately isn't effective until October, so we won't be able to do anything for this season, but we'll be working on it for next season.

And then 1372 was the commercial licenses authorizations and permits from the Department, and we'll be essentially reaching out to stakeholders in the coming weeks, to start working on some meetings on that stuff this summer. So those were essentially most of the pertinent bills that passed. I should move on to the legislation.

CHAIRMAN RICE: Richard?

MR. YOUNG: For now on 1325 --

MS. WIDMAN: Uh-huh.

MR. YOUNG: -- catch times for trot line gear.

MS. WIDMAN: Yes.

MR. YOUNG: That bill did not set a specific time?

MS. WIDMAN: No.

MR. YOUNG: Because I talked to the Department --

MS. WIDMAN: Yeah, so we'll have to go back in and actually change times, but we can't put a reg in under that authority until it becomes effective, and it's not effective until October. So we can't change it for this crabbing season, so we'll have to do it for 2013.

MR. YOUNG: Okay. So this year it's going to be the same?

MS. WIDMAN: Right.

MR. YOUNG: And then if you change the times, and you can't (indiscernible) the crabbers for less than an 11-hour workday, correct?

MS. WIDMAN: Right, so if it's earlier, and I forget the word of the legislation, but essentially it's a certain amount of time before sunrise, but it

has to be an 11-hour workday everywhere.

CHAIRMAN RICE: Gail?

MS. SINDORF: On 1372, that's not the one that had to be in the for the 90 percent?

MS. WIDMAN: No, I mean yes.

MS. SINDORF: That would be 1172?

MS. WIDMAN: (indiscernible) and 72, yeah, that one Bill. And you said one other thing then, just the way this (indiscernible).

CHAIRMAN RICE: Yeah, that's the one we want to talk about.

MS. WIDMAN: Okay. So I just want to, I'm just going to pass around -- it's up on our website, but I don't know if you guys have been to the website, so I wanted to make sure you guys all had a copy of the latest amendment on the blue crab (indiscernible). So this is just bringing the blue crab fishery management plan up-to-date with the current stock assessment records (indiscernible) and all of that. I think Lynn's talked to your group before about that, but essentially make sure they're properly aligned with everything through the Chesapeake Bay Program. So that's a copy of it. It's on our website, so we're

scoping that throughout the month.

We're also right now -- so all this stuff is on our website as well. We had an oyster power dredge permit reg that really received a House cleanup. We have the surcharge now and we clock that information through that whole process, so there's not a point to having an additional permit and we haven't been issuing them, so they're superfluous at this point, so you can weed out that text from where they cleaned it up.

We've had some questions from the commercial community about blue crabbing, chartering blue crabbing trips, as well as taking people out to do sort of educational public tours, to show people how commercial activity is done out in the water. And so we just want to clarify how those two --

There's legal processes to do both right now, but it's kind of hodge-podge. You have to read a whole bunch of different rules, so we'd like to consolidate that into one reg so that people who want to do those activities have one place to go and see what they need to do.

CHAIRMAN RICE: So all you've scoped on that

is the concept of developing this, and you didn't actually present a new regulation at this time?

MS. WIDMAN: No, we don't. I mean the regulations are in place, so we wouldn't change any of the rules. So right now for crabbing charters you would need to have essentially a guiding license because you're taking compensation for a guiding service. You have to have that in your captain's license to take people out in your vessel. And then essentially, it's just like you would if you were fin fish chartering, you're just held to recreational limits and all that stuff. So days of the weeks, you can go out Wednesday to take people out and things like that.

So it's just pulling all the existing recreational elements and those licenses you're required to have into one reg, so people can one place where the rules are. And then if you want to take people out, not to charter but just to have them watch you do your commercial activity, there's a collection permit that we issue that gives you that special authorization to have those extra people on your boat just watching your activities.

So there's existing mechanisms for both, it's just not easy to figure out what you need to do, so we're just trying to make it in one spot. So once we have it pulled together, I can put a draft up on the page, if you guys want to look over it.

Nontidal; our annual nontidal reg changes. Let me give you some updates. The gear stuff, if I could ask for three volunteers from the Commission to sit on a workgroup on gear. We'd like to sit down -- and Sport Fish has three people signed up, and I'd like to get three people from your Commission to sit down -- probably on May 8th, that looks like that might be the date -- with some of our staff, and just go over the draft reg we have going right now.

CHAIRMAN RICE: Richard? Tom?

MR. IRELAND: It may be helpful to specify with those gears that we have the authority to compel the regulations.

MS. WIDMAN: Right. So for commercial it was only the four -- you're testing me now. It was the hoop net, the pound net, fish pots or any sort of pot, and I want to say bait traps was the fourth one, and then all recreational gear. So we're going to put

together a gear chapter, so all the gear rules will be in one place, and they'll have the recreational reg with all the rules of all the recreational gear that We've categorized. And then we'll have those four gears that we have authority over for commercial, and give the definition of those and any rules that pertain to those. So that's what it --

MALE VOICE: But we don't have any authority over like hydraulics or electric (indiscernible)?

MS. WIDMAN: It's only those four that we are allowed to do something on.

CHAIRMAN RICE: Tom?

MR. O'CONNELL: The Department, this was a Bill that was introduced in the 2011 General Assembly. The Department proposed to get broader gear authority, as one of our tools for manning our resources. There was just a lot of concern as to what the Department may or may not do with this gear authority, so the General Assembly did give us limited authority for those four gear types. And you know, hopefully by working together and seeing what we're going to do, you know, maybe the Department may go back at some point and try to get broader gear authority, but we're

going to at least start with these four gears right now. Thank you.

CHAIRMAN RICE: Okay. So now Gibby.

MR. DEAN: What do you mean by fish pot?

MS. WIDMAN: Fish pot would be any, so it would be the guys are using like the spot pots, the you know catfish pots, crab pots.

MR. DEAN: I thought that's what you were getting at. The so-called spot pots, there was a commission set up last year to come up with a definition of a spot pot, and I was one of the ones placed on that commission and we never met. And right now, as far as I know, there is no definition.

MS. WIDMAN: There's not.

MR. DEAN: And no authority over one.

MS. WIDMAN: Correct. So that's what we're trying -- at this point we have a solidified authority, so we want to move forward with doing that exact thing.

(Inaudible discussion.)

MR. DEAN: Well, it was basically put on hold because this legislation was adopted, and we were working to get the (indiscernible) to do what that

work group is set up to do.

CHAIRMAN RICE: So that one's been disbanded?

MR. DEAN: Yeah. So it sounds like that may be a -- if you raised your hand for the previous work group, maybe --

MALE VOICE: Well, I don't think it needs a definition, but I might be the wrong one to be on there.

MS. WIDMAN: Okay. Do I have three people who would be willing to meet?

MALE VOICE: (indiscernible) so I'd better be on that one.

MS. WIDMAN: Okay.

CHAIRMAN RICE: (indiscernible)?

MALE VOICE: Yes.

CHAIRMAN RICE: All right. (Indiscernible), Richard, and we need one more.

MALE VOICE: Are you picking the one specific (indiscernible)?

CHAIRMAN RICE: My understanding is we wanted to address the whole issue, is that correct? Okay. Yes, sir.

MR. DAWSON: I'll work on it.

CHAIRMAN RICE: Okay. Dale. Tom?

MR. O'CONNELL: And as we go with other workers, we'll have this focus work group. They'll come up with some ideas and we'll bring it back to this full commission before we take it out for any public scoping, all right?

MS. WIDMAN: Yes. So the plan is to meet in the upcoming weeks. I'll send you guys an email this week with the info on the meeting date and time and location, and then we will talk. If we need to meet again, we will and, at that point, we'll send whatever draft we have going into the full commission to review, and then we'll move forward. We'd like to do three open house spoken meeting throughout the state, once we have kind of solidified ideas of what we want to talk about. So we'll have one out in Western Maryland, one here, and one on the Eastern Shore. That's the game plan for that.

And then just the other two quickly. Three fishing areas on the post. We had our scoping meeting on April 10th out in Ocean Pines, so we're waiting for the comments from that and hopefully come up with some decision on two or three areas out there in the coming

weeks. And then striped bass, you guys have gotten a letter in the mail, and then all the permit holders had gotten the letter as well and we did put that right like I said on Friday, so this is the one that's going to freeze how that permit is -- we don't have to issue permits until the 2014 season, so that we can work with them and work with other (indiscernible).

CHAIRMAN RICE: Okay. Does anybody have any questions? Gibby?

MR. DEAN: Going back to 1325 on the trot line permits, we've had some conversations with members of the Department and other people, and this was (indiscernible) primarily (indiscernible) but everybody involved in that is either not the second time or not knowing this thing is just not going to be (indiscernible). Is there anything at all we can do, now that the Bill is passed, even if it took running through the Blue Crab Advisory Group to institute this, you know, before October, so that our trot liners could take advantage of this this year?

CHAIRMAN RICE: I don't believe so, but let's get confirmation from Sarah or Gina.

MS. WIDMAN: Yeah, I mean I can talk again,

but the push back I've gotten is so that everything that we have to run through, we had to show that we had legal authority to make any regulatory change. And because that's not actually in effect yet, we can't use it until it's effective. So I can look and see if they would accept it knowing that, you know, that it can't be effective until that authority is effective, and see if we could try to maybe -- I mean it would only buy you guys a couple weeks at most, if we can get it that way.

CHAIRMAN RICE: Okay. Thank you. Gail?

MS. SINDORF: Are we just talking about this here, or are we going to (indiscernible) as well?

MS. WIDMAN: Oh, that was just a copy of the management plan amendment. It's to change the reference points that we're using into little biological stock assessment stuff.

MS. SINDORF: Are you going to go into detail later on this or?

MS. WIDMAN: Is Mike -- I don't know if Mike knows any background of it, but --

CHAIRMAN RICE: Tom?

MR. IRELAND: I think this would be the

opportunity to provide the questions or comments and there's an open public comment period to submit comments after this meeting.

MS. WIDMAN: I was wondering as far as the ratios of male to female, what you guys had in mind. I know (indiscernible), but were you guys, I mean you have what, 200 million females or whatever it is. Are you going to, what's the number you're going to give the males?

MR. O'CONNELL: So previously the abundance reference points for blue crabs was both male and female, and there was 200 about (indiscernible). The new reference points that have been recommended by the Chesapeake Bay Stock Assessment Committee and adopted by the jurisdictions are a female-specific abundance target of 81 plus, and that's 215 million adult females. At this point in time there are no male-specific reference points.

The advice from the scientists have said that until reference points, there's some guidelines out for female crabs. The jurisdiction should count on just maintaining status quo. It doesn't mean, you know, opening up all the gates to harvest female

crabs. The CBSAC, the Chesapeake Bay Stock Assessment Committee, is going to be meeting this Summer and this Fall, and to provide recommendations on either guidelines or specific reference points for male crabs, with the goal of having those by the 2013 season. Did I answer your question?

MS. WIDMAN: Yeah. We have no idea really what the amount of males that there now are?

MR. O'CONNELL: Yeah, we do. I don't have that number with me today, but the Winter dredge survey estimates both male and female crabs. The male crabs have actually been going up just gradually in the last few years. So if there's any trend line, it's slightly upwards.

MS. WIDMAN: Okay.

CHAIRMAN RICE: Any further questions for Sarah? Sarah, I think you're all through.

MS. WIDMAN: Thank you.

CHAIRMAN RICE: Okay. Next we have on our agenda the Marine Fisheries update. The Atlantic States Marine Fisheries Commission Spring meeting overview from Tom O'Connell.

MR. O'CONNELL: Sure. Just let me --

MR. GILMER: Excuse me.

CHAIRMAN RICE: Yes.

MR. GILMER: Should we, while we're talking about this, should we talk about the clam thing now that we had, that you and I spoke about?

CHAIRMAN RICE: Yeah. Yeah, we could.

There's one other item on the regulatory items that Moochie had asked to bring up. Moochie, this is your opportunity. Go ahead.

MR. GILMER: Thank you. We had spoke, we have a regulation that goes into effect April 15th, and runs until October 31st, for white clams. But what has happened is when this was went into effect, Daylight Savings Time was back at the end of September. Now it goes back into October, so it makes October sunrises very late. It makes a short day in October. And I had spoke to Tom about this and Sarah, that could we move

-- and that was put into effect actually for by the Federal Department of the Environment for health reasons on getting white clams ashore before the deadline. So but now it really effects the busy October razor time.

So what I would like to propose is to see how we can get it changed, either -- and I'm not sure we want to go with three different regulations, or whether we'd just move the time back by the end of September and then October go back to from sunup to sundown and run through until the 1st of April or April 15th. So that, you know, I wanted to discuss that.

MR. O'CONNELL: So Moochie had brought this to our attention. I tried, Mike Naylor wasn't available for me this morning to talk to him. I know you had brought the issue up previously to staff, and I don't know if Sarah can fill in our thoughts but --

I had suggested to Moochie that this would be a good time to bring it to the full commission, to determine if this was an item that you would potentially support the Department scoping a few different options that would be a regulatory change. And then Sarah or Gina may be able to provide a little bit more background to support the discussion today. Sarah, do you have -- do you recall --

MS. WIDMAN: Yeah. Essentially, I think it was that we can do a reg change when we talked about it, (indiscernible) so we'd have to move forward with

a reg change on it.

MR. O'CONNELL: So it would require a regulatory change, so Moochie expressed his interest and in whether or not the Commission would be supportive of the Department developing some options and take it up for public scoping.

CHAIRMAN RICE: Richard?

MR. YOUNG: Moochie, are any of those razors used for human consumption?

MR. GILMER: I don't want to say not, but it's, if it is, it's a very very limited amount. I mean maybe I might sell two bushel a year for that.

MR. YOUNG: Well, just wondering why there's a restriction on the razors at all.

MR. GILMER: Well, and it's an important issue too where, if we had to be off the water, everybody had to be off the water at 1:00, and this is, we ran into this earlier where we had guys that were razoring and we had razors and white clams mixed together. They were saving the white clams, even though they were razoring past that time. So I didn't want it to be, I didn't want to interfere with that part of it, I just -- it's usually cooled off by

October where the temperature I don't think will be an issue, and that was the reason I just asked for October.

CHAIRMAN RICE: Okay. Well, what's the pleasure of the Commission?

MR. O'CONNELL: Are you looking for a motion?

CHAIRMAN RICE: No.

MR. O'CONNELL: In other words, is there any objection with the Department scoping out a few options? Moochie identified a couple of different options. You know, three time limits going to two. With some modifications, we could put together a few of those options and scope those. So is there any objection with the Department, you know, furthering that scoping process?

CHAIRMAN RICE: As Chairman, I would suggest that we move forward and bring us back some of your suggestions, if nobody has any problem with that, and we'll just capture that as an action item. Okay.

MR. O'CONNELL: I mean I don't see why it's not proposed, because they didn't want to get into a whole new ball game. I would just say that you know with the curfew again that September 31st or --

CHAIRMAN RICE: Just make it clams. And right now I don't have nothing else on that topic. Now we can move forward to the O'CONNELL: Marine Fisheries Commission Spring meeting overview from Tom.

MR. O'CONNELL: Yeah, just before I get into that. What we're trying to do is trying to make all of our time more efficient. Marty is going to be trying to capture those action items or any motions while we're meeting today. So if the meeting gets a little bit ahead of him, Marty is writing down that actual motion. Just take a look at it so when you leave here today that you, you're supportive of what Marty wrote.

And at the end of the meeting, Marty will just send that out as a final, rather than sending it out and having a review and then getting back to us. The both of them can take a close look at it today, we'll leave with the meeting and our work will be done, and we'll just get the information out.

ASMFC's Spring meeting is going to be the 1st of May of this year. Just a few items too that may be of interest to you. The Striped Bass Management Board back in November, I'm sorry, at the February meeting,

the Board agreed to initiate a draft addendum that was focused on enforcement of our striped bass. That was based upon the recommendations from law enforcement, both at the State and Federal level.

The Board agreed to move forward in that manner and will be reviewing the draft addendum at this meeting. If the Board approves the draft addendum, it would then go out for public comment, and come back to the Board for final action at their Summer meeting in August.

A lot of this folks attention came from the Southern Maryland case from several years back. I just want to point out that both the State and Federal law enforcement officers are now looking at Maryland as an example to other states, given the changes that we have put in place. We still have some work to do, but We've made great strides and the State and Federal law enforcement officers are recognizing that and using us as an example for other jurisdictions now.

So if the Board approves that, there will be a document available for public review. A lot of the stuff that would be requirements are things that we're already doing in Maryland, so we'll keep you apprised

of that.

Atlantic Menhaden. Last November the Board approved more considered reference points Menhaden. Now the states are working together to look at what types of management changes will be needed to get the fishery and the resource in line with those reference points.

(Indiscernible) is doing this through a two-part planning of the common process. The first phase is what is called a public information document. It captures the new reference points and a broad suite of management options that would be reviewed for rehabilitation. Public hearings were conducted recently, including one in Maryland. The public comments can be going back to the Board at this meeting to review.

The Board will be providing further guidance to the staff at ASMFC to begin drafting an amendment now. The draft amendment will be drafted. It provides more refinement of the management options that the states would finally consider implementing. That draft amendment will come back to the Board in August. If approved, it would then go out for a

second round of public comments, and then back to the Board in November for potential final action and implementation.

There's been a lot of focused discussion on whether or not the reduction fishery versus the Bay fisheries, and that they'll be treated equally, or if they'll be disproportional, as well as a reduction given each of those fisheries. All that's being captured in these documents and the public comments, so this is kind of, we're kind of like just approaching the midway point of this discussion and following this board meeting there will be some more focused refinement on where the Board is going on this.

And Atlantic Sturgeon. I just want to make all of you aware that the Atlantic Sturgeon has been lifted as an endangered species by the National Marine Fisheries Service, effective April 6th. What that means is that our sturgeon reward program is temporarily halted. We are not able to continue that program until we submit and receive approval of a conservation plan to the National Marine Fisheries Service, which identifies the amount of takes that are

allowed annually and monitoring measure that we'll put in place.

It is also in violation of the Endangered Species Act to possess the Atlantic Sturgeon, so if you do capture one, my advice is to release it as soon as possible. All the states including Maryland are now working together in obtaining an incidental take permit that, if approved, would cover the fisheries in Maryland for these incidental takes. But that process is quite lengthy and it typically takes two to five-plus years. So in the meantime, just release any sturgeon that you intercept and we'll be working with you based on that observation plan incidental take permits.

Those are probably the most critical items that may be of interest to Maryland commercial fisherman. Do you have any questions or comments that Bill Goldsborough, who also sits with me on the Board, can help answer?

CHAIRMAN RICE: Well, I think you gave a real good report, because I don't see anybody with their hand up. Thanks, Tom. Appreciate your report. Mike and striped bass.

MR. LUISI: Good afternoon, everyone. Sarah kind of took the thunder already on this. That's the summary report; I was planning to just go over in detail with you the recent proposed actions. But before I, before if you have any questions, I just want to thank all of you for responding to the action that I've asked for some input from.

We got a lot of favorable responses. The issues that we're dealing with, we're looking at freezing the (indiscernible) pound net permits and the Atlantic permits through 2013. We didn't get any criticism about the action that's been proposed.

If you have any questions about it, now would be a good time to ask. Do you all have any questions about those changes? The plan, you know, the next steps are to continue to work with the Striped Bass Workgroup and the alternative Management Subcommittee to begin looking at 2014 and beyond. So I'm hoping to have a meeting, planning the fall meeting probably within the next couple of weeks of this subcommittee. So those of you guys who are on that subcommittee, just keep an eye out. Matt or I will probably get in touch with you here shortly and

try to get you back in the room. That's all I have.

CHAIRMAN RICE: Okay. Well, we appreciate your report.

MR. LUISI: All right. Thanks.

CHAIRMAN RICE: Okay. And Tom, would you do the next report on the blue crab project, please.

MR. O'CONNELL: Yeah, I'm filling in for Lynn today. She had another commitment that she had to run to. Blue crabs; a couple of items. Over the last month or so we did receive a few requests for management change. One was pertaining to sponge crabs; a request to allow the possession of the taking of sponge crabs earlier in the season, given their early run of crabs. Also in relationship to crab scraping, to allow that season to begin earlier.

The Department reviewed that request and has followed up with those individuals denying that request. What we'd like to do is the Department is not closed to considering management change in those two categories, but there's enforcement issues that need to be further discussed. There's user conflict issues related to crab scraping that need to be further discussed, and we would like to call upon the

support of this Commission to take both of those issues to the Commission's Blue Crab Industry Advisory Committee, so that all the users within the blue crab industry can provide input to both potential management changes. And based upon that, that workers' efforts and working with this Commission, the Department would consider management changes for 2013.

So the one question before the Commission today, is there any objection for the Department taking those issues to the Blue Crab Industry Work Committee for discussion this Summer?

CHAIRMAN RICE: Seeing none and, since that's what the group is for, I would say it's a good suggestion.

MR. O'CONNELL: Okay. So that's one item. And regarding I'm sure all of you are anxiously awaiting the results of our Winter blue crab dredge survey and the results on the fishery from last year, as we begin to apply the new reference points that are female-specific. The numbers are pretty near finalized. We had a meeting with Virginia on Friday, and there's some just some final internal discussions that are going on here at the Department, in

coordination with Virginia and the Potomac River Fisheries Commission. We anticipate that there will be an announcement later this week, and as soon as those numbers are available, we'll make sure we provide them to the Commission.

The blue crab industry worker has done a great job working with the Department this year, beginning with the restrictions that we put in place at the beginning of the season, and also looking at different scenarios that would go forward following the results of the Winter dredge survey. So following the announcement of these numbers, we'll be looking to get the workers back together to make some final decisions for the remainder of the season, as well as begin to discuss some of these other items, the scraping and the sponge crab.

So that's as much detail as I can provide you today but, as soon as those numbers become available this week, we'll get them out to the Commission.

CHAIRMAN RICE: Richard?

MR. YOUNG: And Tom, can you get the information to us before you release it to the press?

Because I don't, I really don't want to hear it on the radio and not know anything about it, you know? And I also and I don't want to be harsh, but today's the 16th of April. We've been crabbing; the season's been open for 16 days. And there's some, you know, there seems like it's a lot later than it usually is.

I could be wrong. Maybe I'm real anxious because what I saw last Fall didn't look very good, and I want to know what my season's going to look like coming up. And you know I'm scared to death and I think that it should have been announced today. If you basically know but you don't have it finalized, why can't you give us some kind of idea here?

MR. O'CONNELL: Well, I you know I can appreciate you know that perspective, and I guess I mean this is your livelihood. Last year's announcement I think was within a day or two of this year's planned announcement, so you know it's unfortunate that just the timing of concluding the Winter dredge survey results, Virginia goes a little bit further and it takes them a little bit longer to get the data to us. We just got some final numbers last week and we're not able to provide those numbers

any sooner at this point in time.

So one thing I can do, Richard, is I can -- I understand that many of you make your phone calls in the media when the numbers become available, and I will probably discuss with the secretary in our office communications about the possibility of giving you guys the information as early as we can. I can't expect it's going to be too much earlier than the media, because there's such an interest to, you know, get this information out. But if that information can be made available, I can let you know when that email would be coming, so you guys could take a look at it and try to get a little advance understanding of what the numbers are before the media does, okay?

MR. YOUNG: Yes. Okay. I just hate to hear it on the news, see it on the 6:00 news, and I don't know nothing about it.

CHAIRMAN RICE: Do you have an approximate idea when this may be released?

MR. O'CONNELL: It's looking like it might be Thursday of this week. And then we should be able to have that no later than tomorrow morning; I'll let you know.

MR. GOLDSBOROUGH: And this is just a quick observation. The reason it seems like it's later this year is because we got this warm weather. So you actually still have your crabbing a little bit sooner than we did last year, even though the season's the same, which we started a little bit earlier, so it makes everything like it's later.

CHAIRMAN RICE: All right. Do we have any other items of interest on this topic?

MR. O'CONNELL: I think that was about it from my end. I know the blue crab industry design team has been actively working on a pilot program on harvest accountability and, if you're not aware of that or if you have any questions, there's several members of the design team here today that you might be able to get those questions answered, if I can't answer them myself.

CHAIRMAN RICE: Thank you, Tom. Okay. Which leads us to the next item. That went real quick. We liked the proposed Cook's Point Reef Expansion. Could we have -- Mr. Goldsborough?

MR. GOLDSBOROUGH: (indiscernible) Erik Z.

MR. ZLOKOVITZ: Erik Zlokovitz. I'm the

Artificial Reef Coordinator for Fisheries Service. I can give you the spelling later, if you need it. Bill, do you want to give the overview and we'll put the maps up?

MR. GOLDSBOROUGH: Sure. This is the third time, at least the third time you all have heard about this. It's the Cook's Point sanctuary site in the middle of the lower river, where the Department put down a bunch of shell and built four shell piles about 12 years ago. You've seen pictures I know that have been out for a couple of years now, taken by an underwater photographer that show these reef balls that we build. About three-foot tall concrete igloos with holes in them, with life all over them. We set oyster spat on them and put them out.

The one picture particularly you'll remember is the one that had black sea bass in the picture, which are very unusual, as you know, for the Choptank River. Okay. Go to the next one.

MR. ZLOKOVITZ: Okay. This is the existing site.

MR. GOLDSBOROUGH: Okay.

MR. ZLOKOVITZ: So on the site you can see

the four hills, shell hills there. The lower right box, those are each two-acre boxes, is the first one that we got permission to put reef balls in and that was a few years ago. You all may remember. And in the course of a couple of years We've put in somewhere around 600 reef balls in that site, and that's the one where the photographs were taken.

And then we sought permission to expand the two-acre site to the left there last year, and put a little over 300 you can see in that box. And what we'd like to do is establish a third density, so you can see those are both two-acre boxes, so We've got a little under 300 per acre in the first, about 160 per acre in the second, and then we want to expand the top four-acre plot, we brought this up, those two boxes again but across the top.

Those are the reef balls and they're setting tags, so it's them going over.

MR. GOLDSBOROUGH: Move on to the next slide.

MR. ZLOKOVITZ: To get a third density, and the density in those two top boxes would be about 75. Is that right? It's 300. Yeah, about 75 per acre. So the idea with that is to establish these three

densities of reef balls, so we can monitor them over time and see how well the different densities support the reef community. Like I said, you saw for example black sea bass in that first one at that density. We'd like to learn more about what the optimal density is for putting out these reef balls, for supporting the reef community.

At some point you know you just put one or two plots, you're not going to have any effect, you know? But you want to know what that optimal density is without having to put hundreds and hundreds and hundreds per acre. So that's the purpose of this, to set up a third density, and this was recommended by NOAA and so that's why we started going down this road. And we may employ the University of Maryland Dive Team to help do that monitoring over the next several years.

So it's continuing the same work that you all have heard about over the last couple of years that We've been doing, just doing it at a little bit lower density in an adjoining plot. Anybody got any questions?

CHAIRMAN RICE: Everybody must be doing their

job really well today.

MALE VOICE: I have a question. This isn't, this is just out of my curiosity. I noticed in that picture when you set those balls you have four of them together.

MR. GOLDSBOROUGH: Uh-huh.

MALE VOICE: Do you release them all at the same spot? Or do you spread them out a little bit?

MR. GOLDSBOROUGH: Well, and that, yeah, in that form they'll go all down in one spot, that's right.

MALE VOICE: Okay. And then that makes it like a cluster?

MR. GOLDSBOROUGH: So we do put them out in clusters, but the clusters are spread out.

MALE VOICE: Okay.

MR. GOLDSBOROUGH: When the reef balls hit the bottom, it puts a slack into the cables here, and there's a release clip system where these four polyballs will lift up and release the clips. And then the reef balls will just be resting there in a cluster, and you can do them in groups of four or two or three, whatever the situation calls for. And that

was developed by I believe that was developed by the Reef Ball Foundation down in Florida. It seems to work pretty well. It's a modified version of what the Reef Ball Foundation developed.

CHAIRMAN RICE: Does that satisfy you?

MALE VOICE: Sure. Yes, thanks.

CHAIRMAN RICE: We don't necessarily need a motion, but does anybody on the Commission have a problem, just in opposition of these things we went through? Seeing none, then I think it must have been pretty good. Thank you.

Okay. Next up, Steve, can you give us a seafood marketing report.

MR. VILNIT: Hey guys. Thanks for having me over here. I just want to give you a brief update on some of the things we're doing.

First, I want to introduce -- we have, many of you know, but Kelly Barnes is on board now. She's been helping me out with some of the projects that we're working on. A great assistant so far. Just as much time as I'm spending in the field, I don't have time to get to everything in the office, and she's been great helping me out.

We're doing a lot of shows around right now.

We just got done with the Boston Seafood Show and we're going to another seafood show in Europe coming up. This is a busy time of the year for the seafood shows, but there's a lot going on and it's pretty exciting.

We had excellent feedback at the Boston Seafood Show, both from the people in the booth, as well as coming to the booth. We got some great traction and we made some introduction with some companies that are going to be coming out here over the next couple of months.

(Indiscernible) is the one I introduced to the Waterman's Association last year. They're coming back for a three-day visit to meet with a bunch of the watermen, to see if we can get all projects going with them. There's also a program called "Fish Choice," which is going to list watermen on their website, so a wholesaler in Chicago, Illinois can know, you know, what Larry is catching and what he has available, and so he can contact him directly if they're interested in that product. Just some things that we're trying to do to bring -- you know, we have a, we're

developing a green market locally. We're trying to bring it nationwide, but I think these projects will help out.

We just did a show in Ocean City, which I thought was great. It was no cost to the program. It was the Ocean City Food Show. We had about 5,000 restauranteurs coming through, taking about Maryland products and we gave demos of Maryland products, and we had great response from the people there.

I'm going to hand out, we have a couple of articles that were -- it's part of that attachment, but there's one more that's done recently that I just want to send those around. The articles on the yellow perch should both be the *Washington Post* and the *Capitol Gazette*. We have front page, full front page story in the *Capitol Gazette* on yellow perch and marketing efforts. We also had front page in the food section of the *Washington Post*.

It's really getting restaurants excited. Unfortunately, we timed it a little bit off. Historically, it would have been perfect, but the yellow perch didn't cooperate this year, so we're a little bit off of the timing, but it will be a good

kick-off to next year. We'll run those articles again.

We're starting up a program. It got out in the news this past week. It's going to actually be in the *Washington Post* hopefully this week, if not this weekend, about True Blue. Basically, this is a certification for restaurants; for Maryland restaurants.

Every restaurant says they have Maryland crab cakes and we know the truth that there's really not Maryland crab meat in those Maryland crab cakes. This program is going to really highlight and show the general public which restaurants truly are using Maryland crab meat. We have about 50 restaurants signed up so far.

What they're going to get is this logo that's on there, as well as a listing on our website showing the general public where you can exactly go to get this, you know, a true Maryland crab cake. It will actually be a certification to it, where they will be required to, if they want to participate, show us invoices and show us that they actually are using crab meat, not just saying that they are. We're not

going to be checking them every day, but we will be checking them randomly and, hopefully, this will really bring some attention to the fact that which restaurants are using it, and not every restaurant out there is.

I think the general consensus in the public is that every restaurant that has a Maryland crab cake is using Maryland crab meat. And with 43 million pounds of crab meat going into this area last year, and only 700,000 pounds produced in Maryland, we all know the truth. So hopefully that project will be good. The restaurants seem excited about it; it's getting some good traction out there. Like I said, we have a few good articles on it.

Coming up we're going to do a Maryland oyster bash in the Fall. It looks like it's going to be downtown. If anybody knows where the new Phillip's Restaurant is right on Pratt Street, there's that floating pier out front? We're going to get in some of the local oyster bars, get them out there, as well as some wild oysters, have a bunch of chefs out there and just get everybody out there on the floating raft out there to have a good time, celebrate Maryland

oysters. We've been doing this in D.C. for years, so let's have a great one local.

And we're also going to do from the Bay, for the Bay again this year, so planning has already started on that. And it looks like we're going to have more restaurants than last year signing up.

CHAIRMAN RICE: Thank you, Steve. Does anybody have any questions or comments for Steve?

MR. YOUNG: Steve, I think the True Blue Program is a great idea and it's long overdue in this state. I've got a couple of questions about it though. First of all, I just want to go to people who serve steamed crabs also, okay? And what percentage of the crabs have to be Maryland, in order for them to qualify for this?

MR. VILNIT: Well, you know, that hasn't been finally determined yet, but we're looking at 75 percent. Trying to get, you know, at least 75 percent on the crabs. I know it's impossible to get 100. I'd love to see 100 percent, but I just don't think it's feasible.

MR. YOUNG: Yeah, but here's the problem. That means 75 percent are Maryland, but 25 percent are

from Texas or Louisiana, and we're branding them as Maryland crabs.

MR. VILNIT: You know, one thing we would consider is, you know, on the crab meat, we know it's not possible to have Maryland 100 percent of the time. Just you know right now crabs are in season, but none of the picking houses are really producing anything yet. The 75 percent is more towards the restaurants. I mean they would get so that the retail operations or the steamed crabs are 100 percent, and the restaurants would be 75. Just you know just knowing like I said that, you know, right now even if you wanted to buy a pound of Maryland crab meat, you couldn't do it.

MR. YOUNG: Yeah, we know.

MR. VILNIT: All the guys have run out of pasteurized and there's no fresh going on yet, so you know it's definitely something we have to work with and it's something we're considering. It's, you know, this hasn't been, it's not launched yet. You know, this is something that's it'll work and I mean I'm definitely taking suggestions on how to make it work. I just think that this concept in general is the way to start to put this forward and start bringing

recognition to it.

MR. YOUNG: I think branding our product is a great idea. How do you do it and make sure that everybody is living up to that brand?

MR. VILNIT: I mean it's not going to be a hard-and-fast, you know, 100 percent we're catching every guy that's doing it, you know, not doing the exact right thing. But it's, you know, there is a fine in there that we could, you know, if they're using this logo and they're not actually using Maryland, that we could hit them with that, if we wanted to I mean.

So it's not, like I said, we're not going to catch everybody a hundred percent of the time, but it's bringing more recognition to it. It's bringing recognition to the fact that there's very few restaurants that actually are using it. There's 6,500 restaurants in this region and, you know, maybe 50 of them actually use Maryland crab meat right now.

I think this will help put social pressure on the ones that aren't using it. The guys that are having their Maryland crab meat be made of, you know, Indonesian or Chinese crab meat, so I think this will

help put pressure on those guys and just, you know, the public will be really informed of what they're using.

MR. YOUNG: Yeah. What can we do about people who put a sign out that says Maryland crabs, but they're not Maryland crabs? And I know for a fact, because I've seen it in January, and that would say We've got Maryland crabs. And in January there aren't any Maryland crabs.

MR. VILNIT: Right.

MR. YOUNG: The public doesn't -- a lot of the public doesn't know that.

MR. VILNIT: Right. I mean I don't have anything to say right now that hey, we're going to you know going to have enough people in there that, you know, guns are blazing or something like that inside, you know? I hope that's something that we can move towards if we take one step at a time here. You know, up until the last few weeks it's been a one-man show, so I mean you know that's the next thing, one of the next things we could tackle and start looking at that, to see if there's something we can do.

CHAIRMAN RICE: All right.

MS. Sindorf: As far as having crabs, Maryland crabs 100 percent of the time, it's not feasible. As well as and in your order to fill them, you'd have to get sea crabs. Oh, well, you just (indiscernible) as you know, we have to make as much money as we can, so it's always going to be loss that you have to add to out-of-state crabs. Seventy-five percent sounds like a reasonable number, as far as that's concerned. Maryland crabs in January are possible frozen.

(Inaudible discussion.)

MR. VILNIT: You know, and it's another thing if someone says hey, we're getting into a period where, if there isn't any crabs, you know, we can make it so they can call up and say, you know, I don't have them right now, and just take them off the list for, you know, temporarily. I mean it's a good thing about having the list on line versus having it in a book or something. You can just remove them for a few weeks if you have to.

MS. Sindorf: Typically, I mean crabs (indiscernible) maybe 75 percent Maryland's, but you'll also have 20 percent, you know, out-of-state.

So it's (indiscernible). Pretty much every week, you'd have to perhaps out-of-state as well that you'd have to buy daily from, so you're kind of (indiscernible). So I don't think you're going to find anybody that's 100 percent Maryland's all the time. I mean it's --

MR. VILNIT: Right, yes. And I understand that.

MALE VOICE: But likely that doesn't have anything to do with the hard crabs, it has to do with the soft crabs. I know Kelly sent me some emails, I asked her some questions. Do you have anything in your program in the future that's going to promote Maryland soft shelled crab? Or probably do something about the imported soft shelled crabs?

MR. VILNIT: We're actually working with the Downtown Partnership in Baltimore right now. They're actually doing a "Soft Shell Appreciation Week."

MALE VOICE: Right. I think it's May 17th.

MR. VILNIT: Yes, so we're working with them for that right now. They've got four restaurants on board. You know, they have a great idea. Unfortunately, they only had about seven restaurants,

so we're working with them to get more restaurants on board for that to really kick it up a little bit.

We also (indiscernible) with our soft crabs as well. There's no reason why it can't be crab meat, hard crabs and soft crabs and really, you know, start expanding it beyond (indiscernible).

(Inaudible discussion.)

MALE VOICE: -- and we should emphasize more of the soft shell, because there's no bottom with the hard crabs were. They can't get enough. I'm not saying anything because it helps me out, because that's helped a lot of people out so -- and I think you met with Steve (indiscernible) and he was telling me about it. He was going to Brussels next week.

MR. VILNIT: Yep, and I'll be talking to him out there.

MALE VOICE: And he's going to be promoting some of our soft crabs and things, so --

CHAIRMAN RICE: And you know Steve, we appreciate your efforts. I know it's never an easy task. (Indiscernible). Has there ever been any thought of extending this program (indiscernible) you have a new Chesapeake Bay blue crabs (indiscernible)

because probably half the crab sold in Maryland in, you know, half the Maryland crabs as you know at one time or another were in Virginia.

MR. VILNIT: Right.

CHAIRMAN RICE: Either when they were (indiscernible). So I don't know if that's something that simple would be worth looking into or --

MR. VILNIT: Yeah, we hadn't -- I mean I hadn't thought to work on that. The only thought I had, and the reason why we kept it to Maryland only was, with the MFC certification going with blue crabs, if we did a program where it's Maryland and Virginia and we did the MFC certification, it's going to be Maryland only. So this will help with the MFC certification I think down the road to, you know, keep that Maryland only track going. You know, it's possible that we can expand this in the future but just, I wanted to coincide that with the MFC.

CHAIRMAN RICE: Fine. (Indiscernible).

MALE VOICE: Just a quick comment and Steve and I have had this conversation before, so I don't know anybody, I think I'm blind-siding here but, you know, one of the things that We've all been concerned

about -- it's even been brought up with the blue crab design team -- is to find a way to get a higher cost for our crabbers; the net wholesale price.

Don't get me wrong. I appreciate all the efforts that Steve and his staff is doing, and it's definitely making a difference. I certainly understand the principles of supply and demand. But for an example, they did a program similar to this in New England. They spent \$3 million on the program and a lot of reviews came back that the only people that really benefitted by that were the retailers, and I don't want to see that happen here.

Now there are crabbers particularly in the lower bay, I know about selling direct to the restaurants and all of that. But we don't have that option, because we catch such a smaller crab, whether you call them #2's, trash or whatever. But if one of our crabbers opts to sell his #1's to a restaurant direct, they aren't going to buy his trash. So he's almost forced to sell you know to one of our picking houses and we don't always see these --

Well, when you see crabs, if they were \$100.00 a dozen at a restaurant in Baltimore, we'd

never see the effects of that on a wholesale bushel when as they're sold off the boat. And I'd like you to at least -- and I don't know the answer to it and I'd like to at least keep in mind some way we could help, you know, the harvesters in this to capitalize you know on some profits themselves.

Because look what fuel prices are now. They're still getting prices for crabs 20 years, they were getting 20 years ago. It hasn't changed and I don't want to lose focus of trying to help the, you know, the wholesale harvesters and crabbers on its marketing efforts.

MR. VILNIT: And you know definitely we're not, I mean right now it's tough. I mean (indiscernible) develop a tremendous market for the small crabs or you know female crabs. But what we can do is really boost the production of the processed crab meat. We have one wholesaler that's already committed to the -- it's Clayton. He will take every single pound of pasturized crab meat processed without question.

(Indiscernible). Hopefully things like that will, you know, instead of them saying hey, we can't

take anymore crabs, We've got to much, you know, hopefully, you know, things are going to (indiscernible) they're just going to take as much as they can to keep the prices high. Right now it's the only -- you know, but we can develop additional (indiscernible) with females and have crabs later on for the bushel trade but right now by getting the processed crab meat, you know, the volume and demand up for that is the best way we can help you guys right out of the gate.

CHAIRMAN RICE: Okay. Well, we appreciate all your efforts.

MR. GORDON: One of the things you might consider doing is, I mean in terms of selling seafood where you have to deal with the ebb and the tide of supplies -- it's a constantly changing world -- but you might want to go to these participants and have them sign a pledge, okay, that they you know will buy Maryland crab meat products, whether it's you know live crabs or meat or whatever. Something that could almost be on a little plaque that they put on their wall of their restaurant.

Maybe there should be a percentage in there

or it would just be based on availability of supply and all that, and let them participate in this True Blue Program from that perspective. And then that may help its -- because what you're trying to do is very difficult, and I realize that, but if they made a commitment, it would almost be like a -- it wouldn't be a legal document, but it would be their word, okay, that they are participating in local seafood and those types of things. They could use it to promote themselves as well.

MR. VILNIT: And that's definitely the thought process on this whole program. You know, I know that I'm not going to be able to police too many restaurants, so it's going to be on the honor system. But we wanted to have the, you know, the threat of you hey, I can be checked, to keep the guys that are using primarily Indonesian or Venezuelan crab meat from just going out and say hey, I'm doing this and using that logo and being out there and actually not using the crab meat. If we can potentially check them, then the threat is there that, you know, they have to actually use Maryland crab meat at some point.

MR. GORDON: Okay. We've been around the

table and my point was that, you know, we appreciate your efforts and it's definitely a task. I think it really hurts us selling Maryland products when somebody is falsely selling an inferior product, because if I go to a restaurant, you know, I eat a crab cake, and I'll look up and it would say local crab meat, I'd eat the crab cake and say that is a common crab cake. That crab might have been low on Venezuelan, but not on Maryland. So that's going to make a reflection on my opinion on that establishment. But the normal consumer that comes in there and eats that crab cake, that's a reflection on a Maryland product. So you know that's where the work that you're doing is going to pay off.

MR. VILNIT: And you know the good thing is I mean you don't have to be a talented chef to take Maryland crab meat and make a good crab cake. That's, you know, so the people that are using Maryland crab meat, it's going to be the best crab cake anybody's ever tasted, just because of the fact that they're using an actually good product versus the Indonesian or Venezuela.

MR. GORDON: Exactly. I always kind of gauge

it because you can take your (indiscernible) and I get a crab cake and it falls in nice big hunks, you've got a crab cake. But if you separate it and it looks like shredded wheat, you're in trouble.

Okay. So now I did understand you to say that an oyster bash I think you said is moved to Annapolis, is that correct?

MR. VILNIT: No, it's going to be in Baltimore.

MR. GORDON: In Baltimore? Okay. But either way I think Baltimore is a lot better location than Washington, D.C., because you're getting close to the --

MR. VILNIT: Yes.

MR. GORDON: -- local seafood consumption.

MR. VILNIT: And the reason why it's in Baltimore is because they offered their locations for free.

MR. GORDON: That makes always great sense.

MR. VILNIT: It makes great sense that way.

CHAIRMAN RICE: All right. Thank you very much. We do appreciate it and welcome (indiscernible) Kelly. I would make you stand up and wave, but I'm

not going to do that. Okay. Marty, you have two things you'd like to run by everyone?

MR. GARY: Yes, there were a couple of handouts, Mr. Chairman, that were distributed via email, and they're also posted on the website and that's what you're looking at on the screen. And I just wanted to give any members of the Commission the opportunity to comment or ask questions, if they want.

One is simply this public notice about the 2012 recreational Summer flounder season. And the reason why I'm showing it to you all is to let you know that we maintain status quo, in terms of commercial hook-and-line outside 17 inches. That's something I think you're familiar with.

All right. And the next one is SAFIS electronic reporting through the Atlantic Coast Cooperative Statistics Program with DNR. This was previously distributed, so you all can look. We have a new staff member, Jeannelle Mueller is on board now. And if any of you looked through this or had any questions about the SAFIS electronic reporting? I'm not sure where -- Mike, is that under your purview?

MR. LUISI: It is.

MR. GARY: Yeah. If anybody has any questions? None? Okay. Then finally, we wanted to make you aware of a survey that I believe has not quite started yet, but hopefully it will be soon. And this is a survey, it's more of an exploratory exercise to look at areas that have previously received deposits of fossil shell from the upper bay over the years, and with the intention to potentially go back and reclaim some of that fossil shell to be used in the future. I don't know if anyone has any questions on this. (Indiscernible).

Mr. Webster: I've got one thing on that, because I'm involved with a lot of the Shell Committee and stuff. We were wondering, and it sounds like you all do now, how many shells would go to that county that are taken up from that county? I think at the meeting they said 50 percent, is that correct? At least 50 percent guaranteed or?

MR. GARY: In regards to how much would go back to that county?

Mr. Webster: Because at one time the last time (indiscernible) it was like there would be 75/25; 75 to the industry, 25 to sanctuaries. And then we

were told that it was going to be 10 percent industry and 90 percent sanctuary.

MR. GARY: Yes.

Mr. Webster: And that was the biggest question we had was that most of the shell, if it was taken out of your county, it was supposed to be the county was going to get 50 percent of the shell that was taken up.

MR. GARY: Yes, and thank you for clarifying the question. That's what Mike Naylor has informed me that with the discussions with the County and with the Committee for that. Fifty percent of the shell claimed would go back to the public fishery, and then 50 percent would be available for the restoration (indiscernible).

Mr. Webster: And that's why I went and made a point similar to that. The other question I have, when are they going to start it?

MR. GARY: The last update I got from Mike was that we're trying to get a contract with Langenfelder. Langenfelder is going to drop and core these areas, and then that would, we would then submit the -- as soon as Langenfelder goes, there's 20 areas

listed, we're not going to wait until Langenfelder gets to all 20 areas. If they find an area that has a great shell deposit, we're looking to get started right away. But you know with that said, you know, we still have to get a contract in place with Langenfelder, so it realistically will probably be this Summer, with a lot of it going on this Fall.

CHAIRMAN RICE: All right. Steve?

MR. GORDON: I just have one thing that I wanted to share with you, with Bill or with Thomas. I just found this out and maybe you guys already know about it. I had the opportunity in the last week to be on an aquaculture on-bottom oyster planning area. And this particular grower, as opposed to just continuing to put shell down and shell down to build a base, because it would sink into the sediment, and I mean he found that this area that sometimes he'd have eight or ten inches that would go into the sediment before he builds his base.

He took quarter-inch clam net and spread it on the bottom and put the shell on top of that, okay? And he's used like ten percent of the shell he normally would have done. He's going in; they're not

dredging them out of there, they're hand-picking them. This is in relatively shallow water, but I thought it was a really neat idea to use less oyster shells for spat on shells.

MALE VOICE: And you could use that filter (indiscernible) like the contractors use with (indiscernible) and stuff.

MR. GORDON: That's probably illegal or you may have to get a permit to do it, but the clam shell in the clam netting is like small quarter-inch nylon, and they just rolled it right out and put that stuff on top of it and it created a substrate, so it wouldn't fall down into the sediment. And I thought it was a great idea.

CHAIRMAN RICE: Does that cover everything that you wanted?

MR. GARY: It does. The last thing I'd ask you, as Tom mentioned, we're trying to capture these action items before you adjourn, and I'm trying to just keep up with everything. So if you could just take a minute and take a look at these and see if I mischaracterized, if there's a better way of placing this and what I'm missing.

One that (indiscernible) your desire to have the True Blue Program to consider expanding to include soft crabs? Soft shelled crabs? So if that makes sense, I'll add that to it. Would you mind taking a look at that and if that's okay with you.

MR. O'CONNELL: What I would just offer with regards to the third bullet, Maryland DNR will take potential blue crab management (indiscernible). I would also make it subject to sponge crabs and scrape fisheries. Then Moochie followed (indiscernible) the one specific, the clams, just to try and narrow that into the issue at hand, would you say that's the clam time restrictions in the Fall?

MR. GILMER: Yes.

MR. O'CONNELL: So everybody the clam time restrictions in the Fall.

MR. GARY: And we'll still read that to consider clams in general, then I'll add the expansion True Blue to consider soft shelled crabs? Are there any others I might have missed?

CHAIRMAN RICE: Bill.

MR. GOLDSBOROUGH: Morning. On that last item it actually goes from four days, the total is

four days.

MR. GILMER: Yes. And Tom, you don't necessarily have to change it up there, but you will try and make every attempt to get it to us ahead of time, right?

MR. O'CONNELL: Yes. All right.

CHAIRMAN RICE: All right. Do we have anyone from the public that has an item they would like to bring forward to the Commission? Yes, anything you'd like to tell us (indiscernible) and maybe some updates?

(Indiscernible).

MS. CULZONI: Sure. Kate Culzoni. Hi, just real quick. Pilot project applications and information went out to all 5,230 permits a couple of weeks ago. We have the goal of the design team is to get 100 participants that are a mix of people from different regions and different gear types and different business models, and so far We've gotten some good feedback. We have about 50 participants, at least one from every tidal fish county, with and we have about four buyers that have signed up, and a promise of a few more coming in. And so far

applications, applicants' ages range from 26-years-old to 80-years-old. Stripes, trot lines, peeler pots, hard pots, all types of gears are included right now, so we're headed in a good direction for the pilot project. And tomorrow's design team meeting that starts at 6:00 we'll talk more about any additional recruiting efforts that need to be made and to get that full of 100 participants to get the pilot project contracting started. So the pilot project will start in July.

CHAIRMAN RICE: Thanks much, Kate. All right. So I guess before we adjourn the meeting, I'm going to let everybody know that the next scheduled meeting is for July the 24th, and it will be here from 2:00 to 5:00 p.m. Richard?

MR. YOUNG: Not really related to what's going on here but, Tom, can you tell us a little bit about the Army Corps oyster thing and the seminars that they're having and I know they're having one Thursday at Chesapeake College.

MR. O'CONNELL: I thought they already had the one in Maryland, but they're having one on Thursday I guess?

MR. YOUNG: There's one Thursday at Chesapeake College.

MR. O'CONNELL: May end up having two in Maryland. So the U.S. Army Corps of Engineers is authorized by Congress to enter into agreement with both the Commonwealth of Virginia and the State of Maryland to support oyster restoration efforts. In response to that authorization, the Army Corps of Engineers needs to develop a master plan that begins to frame the manner in which they're going to conduct the oyster restoration.

Our staff are working closely -- they work very closely with our staff, as they do Virginia. What they're having meetings on right now is a draft master plan that will explain to them how they plan to go about their restoration efforts.

Their restoration efforts are closely aligned with our sanctuary program. What they basically do is identify several different criteria. Salinity, you know water depth, survivor ability, reproduction of oysters, and go through a screening process to identify those areas in both Maryland and Virginia that are most likely to be successful with

oyster restoration.

So they are basically accepting public comments on their draft master plan and, once the draft master plan is approved over this Summer, it provides them the tools to get Congressional dollars for support and restoration. The Corps is not solely limited to sanctuary programs. Their authorization is also for harvest areas, however, the Corps of Engineers has been focusing the majority of their dollars on the sanctuary restoration program.

So they're meeting, I think there was one meeting last week. It sounds like there's another meeting this Thursday?

MR. YOUNG: Yes, this Thursday.

MR. O'CONNELL: At Chesapeake College?

MR. YOUNG: Chesapeake College.

MR. O'CONNELL: And then there's one meeting that's based in Virginia.

MR. YOUNG: I mean it's open from 3:00 to whatever, but the meeting I think that's where everybody's going to be addressing starts at 6:30. And when you said that about the sanctuary areas and other harvest areas, I know one of the areas in there

was Broad Creek, which was you know one of our last good hand-tong areas. And I see where they have a proposal in there for 200-400 acres, and I was just curious, you know, we didn't want them taking a sanctuary area so that, you know --

MR. O'CONNELL: Yeah, they looked at all the areas within Maryland and selected them.

MR. YOUNG: Right.

MR. O'CONNELL: And the majority of them exist within sanctuaries.

MR. YOUNG: Right.

MR. O'CONNELL: There's a couple that are not. The only way that the Corps would make investments, and they're recognizing they are not classified as sanctuary, would be for harvest purposes.

MR. YOUNG: Okay. Right. But I didn't want it to be changed to a sanctuary was our big concern.

MR. O'CONNELL: Yes.

CHAIRMAN RICE: All right. Is there any further business?

MS. Sindorf: I have a question.

CHAIRMAN RICE: Yes.

MS. Sindorf: (indiscernible) in the future and I was wondering if sometime in the future we could have a little more detail information on how individual recreational versus commercial costs would figure in. So just a little more detail there.

MR. O'CONNELL: And that's part of the 1372 that was passed that directs the Department to do a summer study on this cost-appropriate issue. We're going to be having a lot more detail and a lot more discussions when Bill directs us to work with two commissions.

I'll be going back to the commission to try to get a (indiscernible) with the Commission to work together with the Department this summer, to you know examine our budget more closely, our analysis that leads to the different percentages of the cost recovery, our current projected budget deficit and how we can work together to address that budget deficit, whether it means working with us to be more efficient in our spending, so we don't have to spend as much. And also looking at user fee increases, to allow us to continue providing the management services that we do.

CHAIRMAN RICE: Thanks for bring that to our

attention, ma'am. So if we do not have any further business, Richard?

MR. YOUNG: Dinner receipts? Should we get dinner tonight?

CHAIRMAN RICE: The way the reimbursements work, Richard, and for the rest of the Commission, per diem can be offered up to \$24.00, but you have to provide your receipts. So mileage of course Dianne already has and might have already taken care of those for you. But what you'll need to do is provide the receipt. It can be either faxed or you can scan it and email, if you want to do that, or mail it to us. It should go to Dianne and so, if your dinner is \$16.25, that's what they're going to reimburse you for. If it's \$34.00, they'll reimburse you the maximum of 24.

MS. SAMUELS: Less tax, because the State doesn't reimburse for tax.

CHAIRMAN RICE: Okay. So dinner, even though we're leaving early, dinner is still being reimbursed. Seeing no further business, we stand adjourned. Thank you all.

(Whereupon, at 3:37 p.m., the above-entitled

meeting was adjourned.)